

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A., *plaintiff*,

-against-

STARX MOTORS LLC, JEAN S. SMITH,
BENJAMIN SCHRAGE, JACQUES A. HORN,
GENE T. OLIVER, MICHAEL A. CHAVEZ and
JACQUELINE CHAVEZ, *defendants*.

Case No. 20-cv-5455

Hon. Alvin K. Hellerstein, USDJ

Declaration of Defendant / Claimant Benjamin Schrage

I, Benjamin Schrage, declare under penalty of perjury, pursuant to 28 U.S.C. 1746, as follows:

1. In late February 2020, I came into contact with a person calling himself “Drew Anthony Bond” through a Phoenix Arizona Craigslist advertisement for the sale of a Tesla car.
2. Bond claimed he was a Canadian pilot who needed to sell his Tesla in order to put a deposit down on a house in Canada, and that SE Motors Group in Fort Worth, Texas would broker the deal, had possession of the car, and had power of attorney to act in his behalf. Bond’s phone number (438-808-4401) had an Ontario, Canada area code. An internet search showed that there is indeed an SE Motors in Fort Worth Texas.
3. Bond put me in touch with Michael McKenzie (phone number 682-841-9918, with “482” being a Fort Worth area code), purportedly of SE Motors, in order to effectuate the sale.

Exhibit “A”

4. On February 25th, I received this email from info@semotorsgroup.com

From: SE Motors Group
To: schrage.ben@gmail.com
Subject: Verify your information!
Date: Tuesday, February 25, 2020 2:37:40 PM

SE Motors - Verify your information!
SE Motors Logo



Verify your information!

Dear Ben Schrage,

We need you to verify some information for us before we can authorize your purchase. Here are the documents you will need to upload:

1 - Please download, complete and sign the "Buyer's Agreement". ([Click Here to Download Buyer's Agreement](#)).

2 - Photo ID: Clear photo of your valid state-issued Driver's License.

* Please upload the required documents as soon as possible: ([Click Here to Upload Documents](#)).

You can do this on your computer, phone, or tablet. Your progress will save as you go.

You may have difficulties uploading the documents you can simply reply to this email with the documents attached.

Regards,
Customer Support,
SE Motors Group

Contact SE Motors:

SE Motors Group
5501 Alliance Gateway Fwy,
Fort Worth, TX 76177
United States
Phone: +1 (682) 499-9914
Toll Free: 1-888-877-1836
Office Hours: Mon to Fri 09.00 am - 05.00 pm CST

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5. I clicked on the link to the buyer's agreement and filled out the form to purchase the car.
6. Follow up emails purportedly from SE Motors confirmed that the data was uploaded, and then that the sale was approved.
7. Thereafter, I was provided with the following wire-payment instructions:

Payment method : Bank wire transfer | Payment amount : US \$ 29,500.00.

After transferring the funds please email the proof of payment to our Financial Dept. by simply replying to this email with an attached photocopy.

SE Motors Bank Account Details:

Account Name:	Starx Auto LLC
Business Address:	5501 Alliance Gateway Fwy, Fort Worth, TX 76177
Bank Name:	WELLS FARGO
Bank Address:	1701 Eastchase Pkwy, Fort Worth, TX 76120
Bank Account Number:	1326754023
Routing Number:	121000248
Memo / Reference to quote:	SE13852021

In the wire Memo, please ONLY fill your Transaction ID : SE13852021. Do ***NOT*** write ANYTHING else, in order for us to correctly identify your payment.

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8. Having been directed by McKenzie to wire the funds to the Starx Motors account at the Wells Fargo Bank, I arranged for, and completed, the wire transfer of the funds – \$29,500.00 – on February 27th, for the purchase of the car on February 28th.

9. Once the funds were wired, and McKenzie confirmed the receipt on February 28th, he told me that the car was to be put on a truck for transport from Texas to Wisconsin, where I reside, that morning.

10. McKenzie also provided the tracking number for the transport truck, and estimated that it would arrive at 12:30 pm on March 3rd at my residence.

11. After having entered the tracking information on March 2nd to see where the truck was, and seeing that it was not en route to Wisconsin, I texted McKenzie for an explanation, and was told that the tracking data was not being updated but that the truck was still on schedule.

12. I then entered the VIN number through a Tesla app on my phone, in order to register the car. Once the data was uploaded, I was able to see – in real time, so to speak – that the car was not on a truck being transported from Texas to Wisconsin, but in fact was being driven at that very moment in San Jose, California.

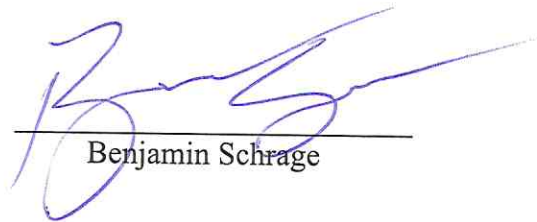
13. I immediately sent a message to McKenzie requesting an explanation, and telephoned him, but he went dark. All attempts to contact him thereafter were unavailing.

14. Thereafter, I notified my bank that I had been scammed out of \$29,500.00, and requested that my bank recall the funds.

15. I understand that Wells Fargo alleged in paragraph 23 that I had indeed made a recall request, on the ground of fraud, thus confirming that the request was made.

16. Based upon the foregoing, I respectfully request that the court issue an order directing the clerk of the court to disburse to me from the interpleader fund my rightful share thereof.

Dated: April 8, 2021
Plover, Wisconsin



Benjamin Schrage